

REMARKS

By this paper, claims 21-40 are amended, and no claims are added or cancelled. Accordingly, claims 21-40 are all of the pending claims. Support for the amendments presented above is provided throughout the specification and claims as originally filed. Applicants expressly reserve the right to prosecute the subject matter of the unamended and/or cancelled claims, or any other subject matter supported by the Specification, in one or more continuation applications. In view of the foregoing amendments and the following remarks, reconsideration and allowance of all the pending claims is anticipated.

Double Patenting

Claims 21-40 currently stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-28 of U.S. Patent No. 7,142,883. Applicants traverse this rejection at least on the grounds that the Examiner has failed to demonstrate that the claims of the cited reference teach or suggest all of the features claimed in the present application. Nevertheless, solely in an effort to expedite prosecution, Applicants will consider the filing of a Terminal Disclaimer in the event that the present application is indicated as otherwise being in condition for allowance.

Claim Rejections – 35 USC § 102

Claims 21-40 currently stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0024536 to Kahan *et al.* (“Kahan”); and claims 21-40 further currently stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,076,109 to Kikinis (“Kikinis”). Applicants traverse these rejections on the following grounds.

Rejection Based On Kahan

Applicants traverse this rejection at least on the grounds that Kahan, on its own, does not constitute prior art under § 102(e). The filing date of Kahan is April 12, 2001. The filing date of the present application is December 29, 2000. Therefore, Kahan does not constitute prior art under § 102(e) at least because the filing date of the present application precedes the filing date of Kahan.¹ For at least this reason the rejection of claims 21-40 under § 102 must be withdrawn.

Rejection Based On Kikinis

Applicants traverse the rejection of claims 21-40 under § 102 based on Kikinis at least on the grounds that Kikinis does not disclose all of the features of the claimed invention. Nevertheless, solely in an effort to expedite prosecution, Applicants have amended independent claims 21, 26, 31, and 36 to further clarify various aspects of the claimed invention. For example, as amended, independent claim 21 recites *inter alia* the following features, which are not disclosed in the cited sections of Kikinis:

...receiving at a server from the mobile wireless client device, via a wireless medium, the selection of an action made by a user at an interface of the mobile wireless client device; [and]
...providing a user-customized mobile design element that corresponds to the form, is associated with the mobile wireless client device, and has been customized by the user of the mobile wireless client device....

Independent claims 26, 31, and 36 include similar features. Kikinis fails to disclose these features at least because (1) there is no disclosure of wireless communication in the cited sections of Kikinis, and (2) Kikinis does not disclose user-customization of a “mobile design element” as is recited in claim 1. For at least these

¹ Applicants note that Kahan claims priority to U.S. Provisional Application No. 60/227,852 (“the ‘852 Application”). However, the ‘852 Application does not include all of the subject matter disclosed in Kahan, including some of the subject matter relied on by the Examiner in the rejection of claims 21-40. As such, the filing date of the ‘852 Application is not effective for the entirety of Kahan, but only those portions that are fully supported by the actual disclosure of the ‘852 Application.

reasons the rejections of claims 21, 26, 31, and 36 under § 102 based on Kikinis should be withdrawn.

Claims 22-25, 27-30, 32-35, and 37-40 depend from a corresponding one of independent claims 21, 26, 31, and 36. As such, the rejection of claims 22-25, 27-30, 32-35, and 37-40 under § 102 based on Kikinis should be withdrawn due to the dependency of these claims, as well as for the features that they recite individually.

CONCLUSION

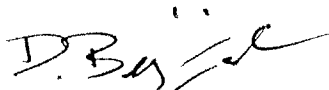
Having addressed each of the foregoing objections and rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is anticipated.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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